

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERIN J. EILER,  
Plaintiff,

v.

UNITED STATES POSTAL AGENCY, et  
al.,  
Defendants.

Case No. [15-cv-04932-DMR](#)

**ORDER RE-OPENING CASE AND  
TRANSFERRING ACTION TO  
DISTRICT OF SOUTH DAKOTA**

Re: Dkt. No. 18

On November 18, 2015, the court issued an Order to Show Cause (“OSC”), noting that it appeared that the proper venue for this case is the District of South Dakota because that is where “a substantial part of the events or omissions giving rise to the claim occurred.” [Docket No. 14 (quoting 28 U.S.C. § 1391).] The court instructed Plaintiff to submit a written statement by no later than December 4, 2015, demonstrating the propriety of venue in this district and explaining why this matter should not be transferred to the United States District Court for South Dakota. [Docket No. 14.] The OSC stated that failure to respond by December 4, 2015 could result in dismissal of the matter.

Plaintiff did not timely respond to the OSC, and on December 9, 2015, the court dismissed the matter without prejudice for failure to prosecute. [Docket No. 16.] On December 14, 2015, after the case was dismissed, the court received Plaintiff’s response to the OSC. In her response, Plaintiff indicated her desire to proceed in California “since [Defendant] does have a place of business in California.” She also stated that in the event she could not proceed in this Court, she was requesting “transfer to a court that will be convenient to all parties involved and will allow plaintiff to proceed telephonically or by video from another courthouse by mail and/or electronic means.” [Docket No. 17 at 2.] Plaintiff’s mailing address is in Illinois, and she stated that she has lived in South Dakota “during the past several years,” but that most recently she has been “staying

1 in California area” while waiting to see a medical specialist in California. *Id.* at 1. On December  
 2 22, 2015, the court received Plaintiff’s “Motion for Rehearing” in which she states that she  
 3 “believes [the] case was prematurely dismissed without transfer when mail was received late,” and  
 4 reiterates her request that “[t]his case should be transferred and reviewed, if not possible to hear  
 5 within this courthouse.” [Docket No. 18.]

6 In light of Plaintiff’s submissions, the court hereby directs the Clerk to re-open this matter  
 7 and transfer the case to the United States District Court for South Dakota. The court cautions  
 8 Plaintiff that if her address changes while the action is pending, she is obligated to promptly file  
 9 with the court a notice of change of address specifying any new address.

10  
 11 **IT IS SO ORDERED.**

12 Dated: February 4, 2016



United States District Court  
 Northern District of California